



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

October 29, 1975

The Honorable Dolph Briscoe
Governor of Texas
State Capitol
Austin, Texas 78711

Open Records Decision No. 116

**Re: Is desk calendar of Governor's
aide public information?**

Dear Governor Briscoe:

Your office has received a request for disclosure of information under the Open Records Act, article 6252-17a, V.T.C.S. The request is for (1) daily access to the Governor's appointment list; (2) access to the desk calendar maintained by your Executive Assistant for the 12 month period ending August 15, 1975; and (3) the flight log from the Governor's airplane.

You have requested our decision as to whether these items are required to be disclosed under the Open Records Act.

Item 3, the flight log, is information required to be maintained, is not excepted from disclosure by any provision of the Open Records Act or other law, and is specifically regarded as public information by provision of the Appropriations Act. General Appropriation Act art. V, §§ 17 and 53, Acts 1975, 64th Leg., ch. 743, p. 2416. This information should be disclosed.

In regard to appointment lists, it is likewise obvious that such lists are public information and are not excepted from disclosure by any provision of the Open Records Act or other law. You advise that your office maintains a registration book pursuant to article 6252-23, V.T.C.S., and that the information as to those required to register under that article is made available for public inspection. However, you state that no appointment lists as such are maintained and you also state that no synopsis of your appointments is maintained. You indicate that your secretary advises you concerning in-office appointments through various informal notes, which are usually discarded at the end of the day.

You further advise that the desk calendar requested contains information concerning the activities, both public and private, of you and your Executive Assistant and constitutes the Assistant's personal notes as well as his personal notations concerning certain of your appointments and made solely for his own informational purposes.

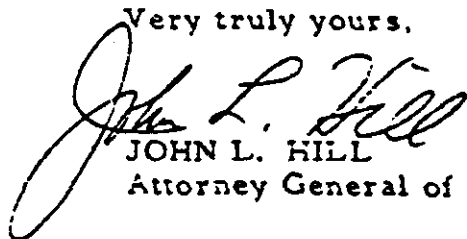
We have said that the Open Records Act does not reach the personal notes of a public employee in his sole possession and made solely for his own use. Open Records Decision No. 77 (1975).

The same result obtained under the federal Freedom of Information Act in regard to uncirculated handwritten notes of federal personnel. In Porter County Chapter of Izaak Walton League of America v. United States Atomic Energy Commission, 380 F. Supp. 630 at 633 (N.D. Ind. 1974), the court found as follows:

[T]he Court finds that these materials are personal notes, rather than agency records. Disclosure of such personal documents would invade the privacy of and impede the working habits of individual staff members; it would preclude employees from ever committing any thought to writing which the author is unprepared, for whatever reason, to disseminate publicly. Even if the records were 'agency records,' their disclosure would be akin to revealing the opinions, advice, recommendations and detailed mental processes of government officials.

Based on the facts as you have outlined them, and under our previous decisions and the authority quoted, we believe that so much of this desk calendar requested that contains your assistant's personal notes made for his own informational purposes would not be held to be public information within the meaning of section 3(a) of the Open Records Act. Similarly, we believe that notes concerning appointments prepared by the Governor's secretary for his personal use and informational purposes are not within the scope of the Open Records Act and thus are not required to be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

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APPROVED:


DAVID M. KENDALL, First Assistant
C. ROBERT HEATH, Chairman
Opinion Committee

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